

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ALAN SWANEY,</b>	<b>:</b>	<b>CIVIL ACTION NO. 1:17-CV-475</b>
	<b>:</b>	
<b>Plaintiff</b>	<b>:</b>	<b>(Chief Judge Conner)</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>LEO DUNN, Chairman, Pennsylvania</b>	<b>:</b>	
<b>Board of Probation and Parole,</b>	<b>:</b>	
	<b>:</b>	
<b>Defendant</b>	<b>:</b>	

**ORDER**

AND NOW, this 11th day of January, 2018, upon consideration of the report (Doc. 13) of Magistrate Judge Martin C. Carlson, recommending that the court grant defendant's motion (Doc. 6) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), wherein Judge Carlson opines that binding precedent forecloses plaintiff's due process challenge to defendant's decision to rescind his unexecuted parole order, (see Doc. 13 at 8-14 (collecting cases)), and the court noting that plaintiff filed objections (Doc. 14) to Judge Carlson's report, see FED. R. CIV. P. 72(b)(2), and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep't of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in full agreement with Judge Carlson's *ratio decidendi*, and finding same to be thorough, well-reasoned, and fully supported by the record and the decisional law identified

in the report, and finding plaintiff's objections (Doc. 14) to be without merit and noting that same merely reiterate arguments raised before and squarely addressed by Judge Carlson, it is hereby ORDERED that:

1. The report (Doc. 13) of Magistrate Judge Carlson is ADOPTED.
2. Defendant's motion (Doc. 6) to dismiss is GRANTED.
3. Plaintiff's complaint (Doc. 1) is DISMISSED.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania